

The House Committee on State Planning and Community Affairs - Local Legislation offers the following substitute to HB 856:

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a Board of Commissioners for Fayette County, approved March 9, 1959 (Ga L. 1959, p. 2431), as amended, particularly by an Act approved March 13, 1978 (Ga. L. 1978, p. 3399), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to change the manner of electing certain members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a Board of Commissioners for Fayette County, approved March 9, 1959 (Ga. L. 1959, p. 2431), as amended, particularly by an Act approved March 13, 1978 (Ga. L. 1978, p. 3399), is amended by striking Sections 1 through 3 and inserting in lieu thereof the following:

"SECTION 1.

The Board of Commissioners of Fayette County which existed on December 31, 2008, is continued in existence but on and after January 1, 2009, shall be constituted as provided in this Act. The Board of Commissioners of Fayette County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as existed immediately prior to January 1, 2009.

SECTION 2.

H. B. 856 (SUB)

(a) Those members of the Board of Commissioners of Fayette County who are serving as such on December 31, 2007, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after January 1, 2009, the Board of Commissioners of Fayette County shall consist of five members. Three of such members shall be elected from commissioner districts described in subsection (b) of this section. Two of such members shall be elected county-wide as described in subsection (d) of this section.

(b) For purposes of electing members of the board of commissioners, Fayette County is divided into three commissioner districts. One member of the board shall be elected from each such district. The three commissioner districts shall be and correspond to those three numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: fayccp1-3d Plan Type: Local User: Gina Administrator: Fayette.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Fayette County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Fayette County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(d) Two members of the board shall be at-large members and may reside anywhere within Fayette County. To be elected, each such member must receive the number of votes cast for that office as required by general law in the entire county. At the time of qualifying for election as an at-large member, each candidate for such office shall specify that he or she is a candidate for At-Large Member A or At-Large Member B. Each at-large member must

1 continue to reside within the county during that person's term of office or that office shall
2 become vacant.

3 SECTION 3.

4 (a) No person shall be a member of the board if that person is ineligible for such office
5 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that
6 office.

7 (b) In order to be elected or appointed as a member of the board from a commissioner
8 district, a person must have that person's legal residence in that district at the time of
9 qualifying for election or at the time of appointment and, if elected, must receive the
10 number of votes cast as required by general law for that office in that district only and not
11 at large. Only electors who are residents of that commissioner district may vote for a
12 member of the board for that district. At the time of qualifying for election as a member
13 of the board from a commissioner district, each candidate for such office shall specify the
14 commissioner district for which that person is a candidate. A person elected or appointed
15 as a member of the board from a commissioner district must continue to reside in that
16 district during that person's term of office or that office shall become vacant.

17 (c) The first members of the reconstituted Board of Commissioners of Fayette County shall
18 be elected at the general election on the Tuesday next following the first Monday in
19 November, 2008. The members of the board elected thereto in 2008 shall take office the
20 first day of January immediately following that election and shall serve for initial terms of
21 office which expire December 31, 2012, and upon the election and qualification of their
22 respective successors. Those and all future successors to members of the board whose
23 terms of office are to expire shall be elected at the time of the state-wide general election
24 immediately preceding the expiration of such terms, shall take office the first day of
25 January immediately following that election, and shall serve for terms of office of four
26 years each. Members of the board shall serve for the terms of office specified therefor in
27 this subsection and until their respective successors are elected and qualified.

28 (d) All members of the board who are elected thereto shall be nominated and elected in
29 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

30 (e) Road Districts 1, 2, and 3, as they exist on December 31, 2008, shall be designated as
31 Commissioner Districts 1, 2, and 3, respectively, but as newly described under this Act, and
32 on and after January 1, 2009, such members of the board serving from those former road
33 districts shall be deemed to be serving from and representing their respective commissioner
34 districts as newly described under this Act. On and after January 1, 2009, members of the

1 board serving from former Road Districts 4 and 5 shall be deemed to be At-Large Member
2 A and At-Large Member B, respectively, serving from and representing the entire county."

3 **SECTION 2.**

4 The Board of Commissioners of Fayette County shall through its legal counsel cause this Act
5 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
6 and such submission shall be made to the United States Department of Justice or filed with
7 the appropriate court no later than 45 days after the date on which this Act is approved by the
8 Governor or otherwise becomes law without such approval.

9 **SECTION 3.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval for the purpose of electing members of the board of commissioners
12 in the 2008 elections. For all other purposes, this Act shall become effective January 1,
13 2009.

14 **SECTION 4.**

15 All laws and parts of laws in conflict with this Act are repealed.